

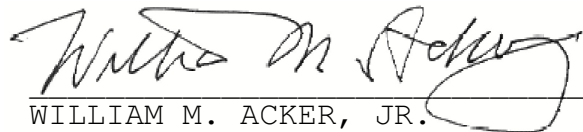
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LAURA L. SALZMAN,	}	
	}	
Plaintiff,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	08-AR-1202-S
	}	
NOLAND HEALTH SERVICES, INC.,	}	
	}	
Defendant.	}	

MEMORANDUM OPINION AND ORDER

On August 13, 2008, plaintiff, Laura Salzman, filed an amended or substitute complaint in response to the motion for a more definite statement filed by defendant, Noland Health Services, Inc., on July 25, 2008. This rendered moot defendant's motion for a more definite statement. Defendant thereupon filed a motion to dismiss Count Two of the amended complaint. It is this motion to dismiss that the court now has under consideration. It is clear to the court that plaintiff did not intend to invoke Title VII in Count Two of her amended complaint and instead intended to invoke the retaliation provision in the ADEA, a provision that she invoked in her EEOC complaint. With the understanding that plaintiff does not rely on Title VII and instead relies only on ADEA, defendant's motion to dismiss Count Two is DENIED. Plaintiff's Count Two is brought under the ADEA, just as is her Count One. Defendant shall answer the amended complaint as thus understood **within seven (7) calendar days.**

DONE this 4th day of September, 2008.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE